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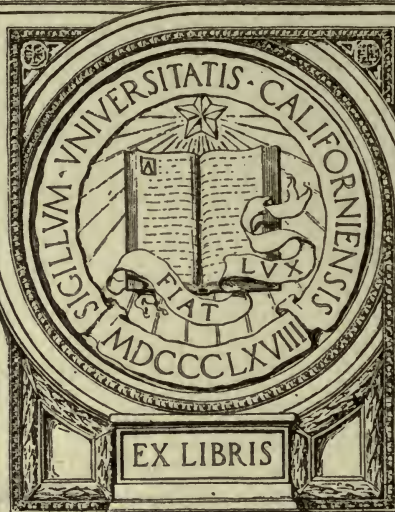
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COMPILATION
OF THE
PUBLIC SCHOOL LAWS
OF THE
STATE OF NEW MEXICO
ENACTED BY THE
THIRD STATE LEGISLATURE
1917

PREPARED UNDER THE DIRECTION OF
JONATHAN H. WAGNER
STATE SUPERINTENDENT PUBLIC INSTRUCTION

PUBLISHED BY
DEPARTMENT OF EDUCATION
SANTA FE, NEW MEXICO
1917

UNIV. OF
CALIFORNIA

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BY APPOINTMENT
OF THE BOARD OF DIRECTORS

SENATE BILL NO. 158

APPROVED MARCH 13, 1917

AN ACT

RELATING TO THE SCHOOL LAWS, CREATING COUNTY BOARDS OF EDUCATION, PRESCRIBING THEIR POWERS AND DUTIES, AND AMENDING AND REPEALING CERTAIN SCHOOL LAWS FOR THE PURPOSE OF CONFORMING TO THE SYSTEM ADOPTED HEREIN.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. For the purpose of centralizing control over the rural schools and more economically administering the funds thereof, there is hereby created in each and every county in the state, and in each and every county hereafter created in this state, a County Board of Education, which shall be a public corporation capable of suing and being sued, contracting and being contracted with, and acquiring, holding, possessing, and disposing of both real and personal property including the power to hold in trust all property and funds for the use of any rural district, together with such other powers as are hereinafter described. Such corporation shall be styled "..... County Board of Education", in which name it shall sue and be sued, contract and be contracted with, acquire, hold, possess, and dispose of all real and personal property.

Sec. 2. Immediately after the provisions of this act shall become effective each of the district judges in the state, for each county in his respective district, shall appoint from the electors of the county, no more than two of whom shall belong to the same political party, four persons as members of the County Board of Education, at least one of whom shall be appointed from each County Commissioner's district and not more than one of whom shall be resident of an incorporated city, town, or village in the county. Two of such appointees shall be designated by said

judge to hold office for a term of four years and two for a term of two years from and after their appointment and qualification. Every two years thereafter each of such judges shall appoint two members to each of said boards to hold office for a term of four years and until their successors are appointed and qualified, but in no event shall more than two members of said board be appointed from among the residents of any one County Commissioner's district nor more than one from among the residents of an incorporated city town or village. The County School Superintendent of each county shall be a member of said board and the president and presiding officer thereof, but shall receive no additional compensation therefor.

Sec. 3. For the purpose of this act incorporated cities, towns, and villages and territory attached thereto for school purposes shall be known as municipal school districts or referred to herein as municipal schools and all others as rural school districts or referred to herein as rural schools.

Sec. 4. The members of said board shall annually elect one of their members as vice-president and one as secretary, the former to preside at all meetings which the president thereof does not attend, the latter to record and keep in a book furnished for that purpose, all the official proceedings of said board. All meetings shall be called and attended by the county school superintendent, but in no case shall any official business be transacted by said board in the absence of the president thereof, except where the waiver in writing of his presence has been filed with the said board. The board shall hold a meeting at least once in every two months and shall have power to call such special meetings as the president shall deem necessary. All the members of the said board except the county school superintendent shall be reimbursed from the school funds upon the warrant of the president of said board for money by them expended for actual cost of transportation to and from the place of meeting, at the rate of five cents per mile for every mile actually and necessarily traveled and shall, also, receive two dollars and fifty cents (\$2.50) per day for every day actually consumed in holding meetings, but no member shall receive in any one calendar year more than the total sum of twenty-five dollars as per diem fees nor be reimbursed for said traveling expenses for more than

ten meetings in any one calendar year. The majority of the board shall constitute a quorum. The books and papers of said boards shall be kept in the office of the county school superintendent.

Sec. 5. The said board shall have full power and control over all rural schools and districts and the funds thereof, including high schools in rural districts and the funds thereof, except as such power is now conferred upon the State Board of Education and the State Superintendent of Public Instruction. Said boards shall, also, have power to contract for and purchase all sites, buildings, equipment or other property for schools. All rural school moneys in the respective county treasuries and all such money credited or to be credited to said schools shall be expended and disbursed upon warrant of the county board of education only, signed by the president thereof, and countersigned by the secretary thereof, and no contract of expenditure of said funds or any part thereof hereafter made, except in the manner herein specified, shall be valid. No expenditures shall be made by said board involving more than two hundred dollars except upon written contract of said board and no contract involving an expenditure of more than five hundred dollars shall be made by said board, except upon sealed proposals and to the lowest responsible bidder. All equipment and supplies for rural schools, whenever feasible, shall be purchased by said board in quantities and at wholesale prices. Teachers shall be employed by the Board of School Directors with the approval of the County Board of Education.

Sec. 6. The title to all property, both real and personal, of schools in rural districts shall be vested, and is hereby vested, in the County Board of Education, but nothing herein shall be construed as impairing the security of any bonds of any district heretofore issued or now in process of being issued. The right to acquire real estate for school purposes for rural districts is hereby vested in said Board, by way of eminent domain, to be exercised in the same manner as the power is or shall be exercised under the law by railroads.

Sec. 7. Rural school districts may be changed, abolished, altered, and consolidated and the boundaries thereof altered or changed by the respective county boards of education in their discretion, but nothing herein shall affect the

provisions of Sec. 4877, Code of 1915. Provided, however, that the territory within a school district shall not be reduced so as to make its bonded indebtedness exceed four per cent. of its assessed valuation, and provided further that whenever a new school district is created or the boundaries of the old district materially altered, the county board of education shall apportion the school fund, by way of credit as provided by law. After paying all indebtedness of the old district that is chargeable to the common school fund, if any balance remains, the county board of education shall credit the said balance between the old and the new district in proportion to the number of children of school age in each. All other resources such as school houses, proceeds from sale of bonds, and all other similar indebtedness shall be divided between the old and the new districts in proportion to the taxable property according to the assessed value in each. In making such adjustment the county board of education is authorized to use such plans or means as will best subserve the mutual interests of the districts and the decision of said board thereon shall be final, subject only to the right of appeal to the district courts. In the event of a vacancy in the office of school director because of the exercise of the power herein contained, the same shall be filled as provided for in Sec. 4854, Code of 1915.

Sec. 8. County Boards of Education and Boards of Education of municipal districts shall have power and be required to provide, by building, purchasing, or leasing, suitable school houses; to keep same in repair, to provide the necessary furniture therefor, to provide for fuel and light, for the payment of teachers' wages as well as other employees excepting only the county school superintendent; to provide for the payment of interest on school bonds and the redemption thereof, and to defray all other expenses connected with the proper conduct of the public schools in their respective districts.

Sec. 9. The county board of education may constitute any board of school directors in its county its agent for the purpose of executing any of the ministerial powers herein granted to and chargeable against the said county boards of education, which delegation of authority shall be in writing and may be revoked at the pleasure of said board.

Sec. 10. Nothing contained in this act shall be construed to divest boards of education in incorporated terri-

tory of any of the powers possessed by them, immediately preceding the date of the passage of this act.

Sec. 11. That Section 4834, Code of 1915, be and it hereby is amended so as to read as follows: Subject to the supervision and direction of the State superintendent of public instruction, the county superintendent of schools shall have jurisdiction over all public schools within his county, except those in cities, and except as otherwise provided by law, and such schools, including city schools shall make such reports to the county superintendent and to the State superintendent of public instruction as may be required by the State Board of Education. Each county superintendent shall visit each school within his county as often as the State Board of Education may prescribe. He shall supervise the methods of instruction employed in the various schools; consult with the school directors concerning the improvement of their schools and the keeping of their accounts; enforce compliance with the school laws; hold teachers' meetings for the advancement of the school interests of his county, and perform such other duties as are provided by law for county superintendents, and such as the State Board of Education may prescribe. On the third Monday in January, April, July, and October of each year, or as soon thereafter as the County School Superintendent shall receive the certificate of the superintendent of public instruction signifying the amount appropriated to each county for the use of the common schools of the current year, he and the County Board of Education shall apportion such amount, together with the county school fund for the same purpose, to the credit of the several districts within the county, in proportion to the number of school children residing in each over five and under twenty-one years of age, as the same shall appear from the last annual reports of the clerks of the respective school districts, and such approved amounts credited to the district shall be certified by said county board of education to the directors of the respective school districts and to the county treasurer of the county; provided, that the county board of education is authorized to leave in the county school fund a sufficient amount to meet such warrants as may be legally drawn against said fund as elsewhere provided by law.

Sec. 12. That Section 4837, Code of 1915, be and it hereby is amended so as to read as follows: The county boards of education quarterly, and at their next meeting after

receiving notice that school funds are at their demand for apportionment to the credit of the several districts, shall properly credit such districts with the amount approved, specifying the number of the district, the number of children of school age in each district and the amount of money apportioned by way of credit thereto, and a copy of this apportionment report shall be filed within ten days thereafter in the office of the county clerk of the county, and he shall also supply a duplicate copy thereof to any newspaper printed within the county which will give publicity to the same free of charge as a matter of general information.

Sec. 13. That Section 4839, Code of 1915, be and is hereby amended so as to read as follows: That every county school superintendent or other officer who shall willfully neglect or refuse to make and deliver the reports specified in Sec. 4838, Code of 1915, shall be deemed guilty of misconduct in office and shall be removed from office as provided by law.

Sec. 14. That Section 4844, Code of 1915, be and is hereby amended so as to read as follows: Each school district shall be a body corporate by the name and style of School District Number of the County of and by such name may contract and be contracted with, sue and be sued, in any of the courts of this state having competent jurisdiction.

Sec. 15. That Section 4845, Code of 1915, be and it hereby is amended so as to read as follows: No public school house or building shall hereafter be situate or erected except upon a public highway or thoroughfare.

Sec. 16. That Section 4854, Code of 1915, be and it hereby is amended so as to read as follows: Five days after their qualification the school directors shall meet and elect a chairman and a clerk, and two directors shall constitute a quorum, which shall be competent to discharge all the duties of a full board. Should a vacancy occur from any cause, notice shall be given to the county superintendent by the directors or a director, and thereupon said county superintendent shall appoint a director to fill such vacancy until the next election. The directors shall have the care and keeping of the school house and other property therein or attached thereto. No school house or building shall be used for any purposes other than those which may be prescribed by the County Board of Education.

Sec. 17. That Section 4855, Code of 1915, be and it hereby is amended so as to read as follows: No board shall issue warrants or certificates of indebtedness of the school district, in excess of the amount of the levy for one year, but all school orders shall draw six per cent. interest per annum after having been presented to the county treasurer and not paid for want of funds, which fact shall be indorsed upon the order by the treasurer; and when there is sufficient money in the treasury to pay any such order the President and Secretary of the County Board of Education shall draw an order for the interest due on said order and further interest shall cease from date of such order.

Sec. 18. That Section 4857, Code of 1915, be and it hereby is amended so as to read as follows: The directors of schools in the several school districts in the State shall, on or before the first day of September of each year make an enumeration of all unmarried persons between five and twenty-one years of age, giving the names, ages and sex of such persons in full, and shall report the same in writing, which enumeration list shall be signed by all the directors, to the county superintendent within fifteen days thereafter. It shall be the duty of the clerk of said school directors to correctly enumerate or cause to be enumerated all unmarried persons of the respective school districts as specified herein. For said enumeration he shall be paid from the funds in the hands of the county board of education to the credit of the district, the sum of one dollar and fifty cents for each one hundred names or fraction thereof, thus enumerated. Enumeration list and the forms for enumeration herein provided shall be specified by the State Superintendent of Public Instruction.

Whenever a petition signed by one hundred qualified voters shall be presented to the board of education or school trustees of any incorporated city, town or village in this State praying therefor, any such board to which such petition is presented shall require the person appointed to make the school census at the time of making such school census to also ascertain and enumerate the number of persons residing in any such city, town or village. All resident unmarried persons between said ages shall be entitled to attend the schools of their district.

Sec. 19. That Section 4860, Code of 1915, be and it hereby is amended so as to read as follows: The respective

County Board of Education having jurisdiction of the various school districts shall procure at the expense of their respective districts, towns or cities, for every public school not provided therewith, a United States flag not less than five feet long, together with a flagstaff, and the necessary appliances therefor; and whenever the flag, flagstaff or the necessary appliances therefor of any such school shall from any cause become unsuitable for further use such boards of education shall in the same manner purchase others in place thereof.

Sec. 20. That Section 4899, Code of 1915, be and it hereby is amended so as to read as follows: The respective county boards of education are hereby required to insure all school property in rural districts and to pay all premiums thereon from the funds credit to such districts over which they may have control.

Sec. 21. That Section 4900, Code of 1915, be and it hereby is amended so as to read as follows: Any failure of any of the officers mentioned in the preceding sections of this article to carry out their provisions in the letter and the spirit thereof, shall subject such officers to removal and to a forfeiture of their official bond for the benefit of the school district so injured thereby.

Sec. 22. That Section 4901, Code of 1915, be and it hereby is amended so as to read as follows: For the purpose of erecting or completing school houses the county boards of educational shall have power and authority to borrow money, by issuing negotiable bonds of the district wherein such buildings are to be erected or completed, said bonds to run for a period of not less than twenty years nor more than thirty, to draw interest at the rate of not to exceed six per centum per annum, with interest payable semi-annually or annually, but such bonds shall not be sold for less than ninety per centum of par, with accrued interest.

Sec. 23. That Section 4902, Code of 1915, be and it hereby is amended so as to read as follows: Before any bonds shall be issued under the foregoing section the county board of education, through the directors of the school district, shall submit to the voters of their district at the regular or any special election called for that purpose, the question of issuing bonds, giving the same notice of such meeting as is now required to be given for the election of directors,

and the amount proposed to be raised by the sale of such bonds, which question shall be voted upon by the qualified electors of the district, and if a majority of all the votes cast upon that question, be in favor of the issue of such bonds, then said board shall issue bonds to the amount voted, in denominations of not less than twenty-five dollars, nor exceeding five hundred dollars, due not less than twenty, nor more than thirty years after date, and redeemable at the pleasure of the district at any time after ten years, which said bonds shall be given in the name of the district issuing them and shall be signed by the president of the board of directors, countersigned by the president of the county board of education and attested by the secretary thereof. Said bonds shall be delivered to the county treasurer, taking his receipt therefor; and said county treasurer shall advertise for the sale of said bonds to the highest bidder, in at least four issues of some weekly paper published in his county, or an adjoining county, and shall countersign said bonds when negotiated; the county treasurer shall place the proceeds of such sale of bonds to the credit of the proper district; to be paid out as provided for in the manner of special district tax. The county treasurer shall stand charged upon his official bond with all bonds that may be delivered to him, but any bond or bonds not sold may be returned to the district and the treasurer credited with the same: Provided, That if such bonds are issued for the building of a school house, that the contractor constructing the same may receive in payment, such bonds at their face value, or at the price offered by the highest bidder. Provided, Further, That none of such bonds shall be sold for less than ninety cents on the dollar.

Sec. 24. That Section 4906, Code of 1915, be and it hereby is amended so as to read as follows: In any school district where a special tax is in contemplation of being levied, or of bonds being issued, and after the boundaries of the district have been properly determined and marked for that purpose, it shall be the duty of the county assessor to certify to the county school superintendent, the board of directors, and the county board of education a true and correct copy of the last general assessment of taxable property in the school district. Whenever a special tax is to be levied or bonds to be issued in a newly created district the assessor shall make an assessment of all the taxable property, real and personal, within the said newly created dis-

trict including therein all live stock which graze wholly within the limits thereof and shall certify said assessment to the county school superintendent, the board of district directors, and the county board of education as provided herein.

Sec. 25. Nothing contained in this act shall be construed to impair the security or validity of any bonds heretofore issued by any school district.

Sec. 26. That Section 4907, Code of 1915, be and it hereby is amended so as to read as follows: The county superintendent of schools for each county of this state jointly with the respective county boards of education shall have power in cases where any school district in the county does not own a school house, upon a petition signed by twenty residents of such school district, being each the head of a family and having children of school age in the family, to order the school directors of such school district to submit the question of issuing bonds of such district for the purpose of building a school house as provided for in section 23 to the voters of such school district.

Sec. 27. That Section 4908, Code of 1915, be and it hereby is amended so as to read as follows: In cases where the question of issuing such bonds has been or shall be submitted to the voters of such school district, and shall fail to carry, then such county board of education shall in writing order the county treasurer to set aside such portion of the credited school fund of such district, not less than one-fifth thereof, yearly, for the purpose of eventually building a school house for such district, and such fund shall be kept for such purpose only, and such county boards of education shall, when in their opinion such fund is sufficiently large for the purpose, build or cause to be built such school house.

Sec. 28. That Section 4911, Code of 1915, be and it hereby is amended so as to read as follows: When the income of any school district in this state is insufficient to permit the proper maintenance of schools therein, or when any school district is in imperative need of additional funds for school purposes it may, through the county board of education petition the superintendent of public instruction for sufficient funds out of the fund herein created to enable the districts to build and construct suitable school houses or complete or properly furnish the same. The application shall describe the boundaries of the district, the

amount of taxable property therein, the indebtedness thereof, the number of school children therein who can be accommodated by such school buildings and all other facts which may aid the said superintendent in determining the advisability of giving the aid provided for herein. The application shall be signed by the school directors of the district and by the president of the county board of education and be presented to the superintendent of public instruction.

Sec. 29. That Section 4912, Code of 1915, be and it hereby is amended so as to read as follows: If the application mentioned in Section 4911 be approved by the Superintendent of Public Instruction, the Auditor of the State shall draw his warrant in favor of the treasurer of the county in which such district is situate to be by him credited to the County Board of Education for the school district, payable out of the fund herein created and the treasurer of the state shall pay said warrant upon the endorsement of the said county treasurer out of such fund. Provided, That not to exceed (\$300) Three Hundred Dollars shall be allowed for building or completing any school building nor more than Fifty Dollars for furnishing any school room and in every case the school district receiving the aid shall furnish in labor or money at least one-third of the cost of the construction, completion, or furnishing of the school building or buildings. The site in all cases shall be procured by the school directors unless the county board of education otherwise consents, and the title thereof be vested in fee simple in the county board of education.

Sec. 30. That Section 4913, Code of 1915, be and it hereby is amended so as to read as follows: Plans and specifications for the building, completing, or furnishing of the school building or school buildings of the district, specified in Section 4911, shall be prepared by the county board of education or the respective school directors upon the order of said board. The county board of education shall call for sealed bids for the construction, completion or furnishing of said school building or buildings, allowing at least thirty days for filing bids, with adequate notice of date and place of opening. The county board shall open said bids and award the contract for building, completing or furnishing said school house or houses, as, in their judgment, the best interests of the district may require. A sufficient bond shall be required of the contractor for the full and faithful performance of his contract.

Sec. 31. That Section 4914, Code of 1915, be and it hereby is amended so as to read as follows: The County Treasurer shall honor and pay all warrants drawn by the county board of education against the fund placed to the credit of the district as herein provided. In no event shall a county board of education contract for or incur obligations on such account beyond the amount of money available in the county treasury for such purposes.

Sec. 32. That Section 4917, Code of 1915, be and it hereby is amended so as to read as follows: No county board of education, nor municipal board of education, nor any member thereof shall act as agent for any person, firm, or corporation engaged in selling school furniture, apparatus, etc., or doing any work under contract for such boards, nor shall any such boards or members thereof receive any commission on account thereof and all persons identified in an official capacity with the public schools or with the higher educational institutions supported in whole or in part by the public funds of this state are prohibited from being a party directly or indirectly to any contract, or interested in any contract, in connection with the operation or maintenance of such public schools or higher educational institutions; and any contract in which they are so interested shall be void, and the members of any educational board voting for the same shall be guilty of a misdemeanor and liable to punishment accordingly.

Sec. 33. That Section 4919, Code of 1915, be and it hereby is amended so as to read as follows: Except as otherwise provided by law, all property belonging to rural school districts and all property the title of which is or may be vested in the county board of education, shall not be sold transferred, or disposed of, except for cash or its equivalent and with the written consent of the Superintendent of Public Instruction.

Sec. 34. That Section 4936, Code of 1915, be and it hereby is amended so as to read as follows: A poll tax of one dollar shall be levied upon all able bodied male persons of the age of twenty-one years or over, for school purposes. It shall be the duty of the clerks of the various school districts of the State of New Mexico to make out separate lists of all persons liable to pay a poll tax, resident in their respective districts, and the clerk thereof shall receive three dollars to be paid by the county board of education or from

the municipal school funds out of the funds to the credit of the school district for which such service is rendered, and no other person shall receive a recompense for such services. It shall be the duty of the said school district clerk to collect said poll tax and said clerk shall receive ten per centum of all moneys collected from poll taxes. The school district clerks are hereby empowered to bring suit in the name of the school district for the collection of said poll tax, if not paid within sixty days after the posting of the notice specified in Section 4937, Code of 1915. All poll taxes shall be paid to the county treasurer for the use of the respective school districts in which the same are collected, and the Treasurer shall pay to the school district clerk his percentage of the gross amount collected: Provided, That no resident of any school district shall pay his poll tax to any other district than the one in which he resides; And Provided, Further, That no poll tax shall be received by any district clerk from any resident of any other school district. No property shall be exempt from execution in suits for collection of poll taxes and the justices of the peace and constables shall not demand fees in advance for such suits, And, Provided, Further, That all money collected as poll tax shall be immediately transmitted to the county treasurer and by him credited to the district transmitting the same, but no such money shall be expended except upon warrant of the county board of education or municipal board of education.

Sec. 35. That Section 4962, Code of 1915, be and it hereby is amended so as to read as follows: County superintendents are vested with general supervisory powers in this matter and shall require all directors to comply with the provisions of Section 4961. Principals or teachers in charge of rural schools in this state shall weekly make a report in writing to the county school superintendent containing the names of all persons having the control of children of school age who have failed, neglected, or refused to send such children to school as required by Section 4961. The presiding judge of the district courts at each session shall give to the grand jury as a special charge, the substance of the law of compulsory school attendance.

Sec. 36. That Section 4966, Code of 1915, be and it hereby is amended so as to read as follows: All of said high schools situate in a municipal school district shall be under the control of the board of education and all such

schools situate in a rural school district shall be under the control of the county board of education.

Sec. 37. That Section 4967, Code of 1915, be and it hereby is amended so as to read as follows: For the purpose of maintaining county high schools, municipal boards of education and county boards of education wherein such high schools are situate, shall annually certify to the board of county commissioners of the county an estimate of the amount of money needed for the purpose of maintaining said schools, and thereupon the board of county commissioners, at the time of making levies for other school purposes, shall levy not to exceed two mills on the dollar, an amount sufficient to produce the amount specified in said estimates, said tax to be collected in the same manner as other taxes; when collected by the county treasurer, said amount shall be placed to the credit of the said municipal or county board of education, as the case may be, in separate fund known as and called the "County High School Fund". The levy provided for herein shall be called the County High School Levy.

Sec. 38. That Section 4969, Code of 1915, be and it hereby is amended so as to read as follows: The Treasurer of said county shall apportion said high school fund among the high schools of the county established under this article, and if there be more than one such high school, in the ratio shown by the number of children attending such high schools during the preceding year. Provided, However, That no child shall be counted in determining said ratio who has attended said high school for less than half of the regular sessions of its high school year. At the end of each high school year the president and secretary of the said municipal and county boards of education, having such high school under oath, shall certify to the treasurer of the county the number of such pupils attending the high school during the preceding year as the basis for apportionment of the county high school fund. Provided, Further, that when an additional high school shall be established it shall receive during the first school year not to exceed one-third of the moneys then in the county high school fund. Provided, Further, that more than one high school may be established and designated as a county high school in any year, and in that case, the county high school fund shall be apportioned among such schools on the basis of attendance during the preceding high school year for such schools. High schools now located and established in any county of the state shall be designated and

established as county high schools as provided in this article.

Sec. 39. That Section 4971, Code of 1915, be and it hereby is amended so as to read as follows: Said boards of education wherein any such high school is established shall proceed as soon as practicable after the establishment of said county high school to secure the necessary site and buildings and are hereby authorized to bond the said district as now provided by law for the purpose of providing the necessary site and buildings.

Sec. 40. That Section 4972, Code of 1915, be and it hereby is amended so as to read as follows: The said boards of education where any such county high school is established shall add to the course of study provided for such school the additional branches of manual training, domestic science, the elements of agriculture and commercial science.

Sec. 41. That Section 4973, Code of 1915, be and it hereby is amended so as to read as follows: The said boards of education wherein any such high school is established shall employ and discharge teachers, regulate their salaries and shall have the power and authority to make all necessary rules and regulations and to do all things for the proper management and control of said county high school.

Sec. 42. That Sec. 8, Chapter ~~97~~⁷⁷, Laws of 1915, be and it hereby is amended so as to read as follows: All payments on account of any rural school district or from the funds thereof shall be made pursuant to the warrant of the county board of education. Said boards shall keep and maintain an accurate record of all disbursements by them made, as well as the purposes for which they were made.

Sec. 43. The proceeds from all levies made under the provisions of Section 5 of Chapter 79 of the Laws of 1915 shall be apportioned by the respective county treasurers according to the approved estimates of the respective boards of county commissioners and thereafter be subject to the respective warrants of the county board of education and the treasurers of boards of education of municipal districts.

Sec. 44. That Section 4808, Code 1915, be and it hereby is amended so as to read as follows: That from and after January first, 1921, three members of the State Board

of Education shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of four years and two for a term of two years and until their successors are appointed and qualified, and thereafter every two years the Governor shall appoint two or three members to said board as the case may be, to hold office for a term of four year and until their successors are appointed and qualified.

Sec. 45. That Sections 4836, 4851, 4916, 4969, 4840, 4846, 4896, 4897, 4898, Code of 1915, and Section 3, Chapter 79, Laws of 1915, and all acts and parts of acts in conflict herewith are hereby repealed.

Sec. 46. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

HOUSE BILL NO. 232

APPROVED MARCH 8, 1917

AN ACT

PROVIDING FOR TEACHING OF HIGHER GRADES
IN THE RURAL SCHOOLS IN THE STATE OF
NEW MEXICO:

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. That in Rural Schools of the State of New Mexico where only one teacher is employed, no grades shall be taught higher than the eighth grade if there are more than six of the elementary grades being taught in such school: Provided, that two or more districts may combine and under the direction of the County Superintendent and by permission of the State Superintendent may designate some centrally located school where the higher grades may be taught and such provisions as are necessary for the maintenance of such schools as shall be deemed necessary may be provided for by the said Superintendents together with the County Commissioners.

COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 51

APPROVED MARCH 3, 1917

AN ACT

TO FACILITATE THE TEACHING OF ENGLISH
AND SPANISH BY A BI-LINGUAL METHOD IN
CERTAIN GRADES OF THE PUBLIC SCHOOLS.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. In all school districts of this State, whenever the majority of the patrons of the school shall demand it by written petition to the County Superintendent, it shall be the duty of the teacher in charge to teach reading in Spanish and English by the bi-lingual method to all the pupils in the first, second and third grades; Provided, that this requirement shall not apply in districts where it shall be shown to the satisfaction of the County Superintendent that it has been impossible, after dilligent effort, to secure the services of a teacher having a knowledge of the two languages, English and Spanish.

Sec. 2. It shall be unlawful for the County Superintendent of any county to approve for payment the warrant for monthly salary of any teacher who shall fail to comply with the requirements set out in the preceeding section, unless such teacher be one whose services have been secured according to the proviso in said section.

HOUSE BILL NO. 257

APPROVED MARCH 13, 1917

AN ACT

TO CONDUCT NOCTURNAL SCHOOLS FOR ILLITERATES.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. The School Directors in every school district in the State of New Mexico, where there may be ten or more illiterate or semi-illiterate persons may engage their respective teachers to hold nocturnal courses of instructions as are taught in the common school branches of the public schools of the State of at least one hour each night.

Sec. 2. An allowance of five (\$5.00) dollars per month for the first ten students and five (\$5.00) dollars additional for any number over and above the first ten students, shall be paid over and above the regular salary in the same manner and form and from the same fund that the teachers' regular salaries are paid, to any school teacher who shall engage in the performance of the duties prescribed in Section 1 of this Act.

Sec. 3. That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 140

APPROVED MARCH 13, 1917

AN ACT

TO REQUIRE COUNTY SCHOOL SUPERINTENDENTS TO VISIT EACH SCHOOL DISTRICT AT LEAST ONCE A YEAR AND TO COMPENSATE THEM THEREFOR.

Be It Enacted by the Legislature of the State of New Mexico:

Section 1. Hereafter each county school superintendent shall visit each school room under his supervision within his county at least once a year, and at such other times as the State Superintendent of Public Instruction shall direct and spend at least one half day in each of such visits, and ascertain the condition of such schools in said districts, the age and physical condition of the pupils attending such schools, the progress being made by such pupils and all other facts tending to the betterment of such schools. Such County Superintendent shall thereupon report the result of such visits to the State Superintendent of Public Instruction, with recommendations looking to the betterment of such schools, upon such forms as he may provide, a copy of which report shall be transmitted to the County Commissioners of the County.

Sec. 2. In addition to their regular salaries County Superintendents shall receive an allowance out of the general county fund, for traveling expenses actually incurred not to exceed the following schedule on the basis of school rooms under their supervision.

In counties with less than 30	\$100.00
In counties with from 30 to 39 inclusive	150.00
In counties with from 40 to 49 inclusive	200.00
In counties with from 50 to 59 inclusive	250.00
In counties with from 60 to 79 inclusive	300.00
In counties with from 80 and over	350.00

Sec. 3 That it is necessary for the preservation of the public peace and safety of the inhabitants of the State of New Mexico, that the provisions of this Act shall become effective at the earliest possible time, and therefore an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

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